

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

JOINT STATUS REPORT

Plaintiffs, GRACE, Inc., Engage Miami, Inc., South Dade Branch of the NAACP, Miami-Dade Branch of the NAACP, Clarice Cooper, Yanelis Valdes, Jared Johnson, Alexandra Contreras and Steven Miro, and Defendant, City of Miami, (collectively, the “Parties”), and by and through the Parties’ undersigned counsel, hereby file this joint status report in accordance with this Court’s Order. ECF No. 188.

1. The Parties have been negotiating in good faith toward a mutually agreeable resolution to this case and related litigation and believe they may have reached that resolution. Accordingly, they moved to stay further proceedings (ECF No. 187) and this Court granted that motion, directing the Parties to provide a status report by May 13, 2024 (ECF No. 188).

2. A settlement agreement was drafted between counsel for the Plaintiffs and the City, and the City Commission was briefed. A Resolution to approve the settlement was set on the City Commission agenda for the May 9, 2024 City Commission meeting. At that meeting, Commissioner Damian Pardo was not present. Commissioner Joe Carollo moved to defer the item to the next meeting, on May 23, 2024. The City Commission agreed to defer the item.

3. The Miami Herald reported that Commissioner Pardo informed them that he supported the settlement. Commissioners Christine King and Miguel Gabela also indicated their support for the settlement at the meeting.

4. The Parties anticipate that the settlement will be approved by the May 23, 2024, City Commission meeting and can be executed by the Parties after the veto period expires or until after signed by the Mayor.

5. The Parties anticipate being able to provide the Court with a status report following the May 23, 2024, Commission meeting, and request that a joint status report be due May 24, 2024.

6. The City filed a notice of appeal on May 10, 2024 (ECF No. 189), but this does not indicate that it does not intend to go forward the settlement as described above. The City believes this appeal was necessary to preserve its appellate rights. Plaintiffs believe the City did not need to notice this appeal to preserve its right to appeal the interlocutory orders appealed in the notice of appeal, and that an appeal from a final judgment, which the Court has not yet entered, would encompass those interlocutory orders. The Parties agree that this appeal can be addressed by the settlement agreement.

7. To avoid further expenditure of time and resources of the Court and the Parties and to afford the ability to focus on finalizing the mutually agreeable resolution, the Parties jointly request this Court continue the stay until after the May 23, 2024 Commission Meeting.

8. Plaintiffs propose that, if the City Commission does not approve a settlement on May 23, 2024:

- By May 29, 2024, Plaintiffs file the brief ordered in the Court's Paperless Order of April 15 (ECF No. 186).

- By June 5, 2024, the City file the response ordered in the Court's Paperless Order of April 15 (ECF No. 186).
- The Court set a status hearing for the earliest practicable date after June 5, 2024.

9. Defendant proposes that, if the City Commission does not approve a settlement on May 23, 2024, the Parties provide a status report to the Court by May 27, 2024, and in that report address the Parties' requests regarding the need for and timing of additional briefing.

WHEREFORE, the Parties, Plaintiffs, GRACE, Inc., Engage Miami, Inc., South Dade Branch of the NAACP, Miami-Dade Branch of the NAACP, Clarice Cooper, Yanelis Valdes, Jared Johnson, Alexandra Contreras and Steven Miro, and Defendant, City of Miami, respectfully provide this status report and request that this Court continue the stay in this action.

Respectfully submitted this 13th day of May 2024.

/s/ Caroline A. McNamara

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